

REMARKS

Upon entry of the present amendment, claims 1-9 , 11-17, 19 and 20 will have been amended. The amendments to these claims do not narrow the scope of the claims but rather will clarify the recitations. Further, none of these amendments will have been made in view of the prior art but rather will have been made solely in order to enhance the clarity of the claims and to ensure that the claims are in full compliance with U.S. syntax, idiom and grammar.

Initially, Applicants respectfully thank the Examiner for withdrawing the outstanding Restriction Requirement and for providing an action on the merits of all of claims 1-20 pending herein.

Applicants further wish to respectfully thank the Examiner for accepting the drawings filed on August 15, 2003. Additionally, Applicants respectfully thank the Examiner for acknowledging their Claim for Foreign Priority under 35 U.S.C. § 119 as well as for confirming receipt of the certified copies of the priority documents upon which their claim for priority is based.

Applicants note the filing of an Information Disclosure Statement in the present application on November 17, 2003 in which two pending applications were cited. Applicants assume that since the Information Disclosure Statement was filed in full compliance with 37 C.F.R. § 1.97-1.98, the Examiner has considered the copending and commonly assigned patent applications cited therein. Nevertheless, Applicants respectfully request that the Examiner explicitly indicate such consideration in order to complete the record in the present application.

In the outstanding Official Action, the Examiner objected to the specification because of an informality. In particular, the Examiner indicated that there is no disclosure in the application of an output side of compressor connected with the outdoor heat exchanger and an inlet side of the compressor connected with the separator.

Applicants note the Examiner's objection and in response have amended claim 2 to recite that the inlet side of the compressor is connected with the distributor. Explicit support for this feature is shown in the drawings and in particular Fig. 2A.

In the outstanding Official Action, the Examiner rejected claims 1 and 2 under 35 U.S.C. § 102(b) as being anticipated by HAYASHIDA et al. (U.S. Patent No. 5,309,733). Applicants respectfully traverse the above rejection and submit that it is inappropriate. In particular, the combination of features recited in Applicants claims 1 and 2 are not anticipated by nor rendered unpatentable by the disclosure of HAYASHIDA et al. In particular, HAYASHIDA et al. does not teach, disclose nor render obvious the combination of features recited in Applicants claim.

Applicants invention is directed to a multi unit air conditioning system including an outdoor unit, a plurality of indoor units and a distributor provided between the indoor units and the outdoor unit. Applicants invention further includes a four-way valve, a selective expansion unit, a gas-liquid separator and a connection tube part. Moreover, the gas-liquid separator is explicitly recited to be "provided in the outdoor unit". This combination of features, as recited in claim 1, is not taught or disclosed by HAYASHIDA et al.

In setting forth the rejection, the Examiner asserted that HAYASHIDA et al. discloses a liquid-gas separator 12. However, as can clearly be seen in Fig. 1, the gas-

liquid separator 12 is located in the distributor unit rather than in the outdoor unit as explicitly recited in Applicants claims. Accordingly, for this reason alone, it is respectfully submitted that HAYASHIDA et al. is an inappropriate basis for the rejection of any of the claims in the present application under 35 U.S.C. § 102.

Applicants note that a gas-liquid separator is a relatively large and bulky unit. By locating the separator 12 within the distributor of HAYASHIDA et al., the weight and volume of the distributor is thus increased. As a result, it becomes rather difficult to install the distributor (including the separator 12) in a small or narrow space, such as in the ceiling of a room. In direct contrast to the above, the gas-liquid separator of Applicants claim 1 is explicitly recited to be provided in the outdoor unit so that the weight and volume of the distributor can be reduced. Of course, since the outdoor unit is located outdoors, the increase in size thereof is not a significant factor.

Moreover, in setting forth the rejection, the Examiner asserts that selective expansion valves 13, 17 and 32 are provided in HAYASHIDA et al. Applicants respectfully traverse and submit that however, valves 13 and 17 are disclosed to be flow rate controllers such as electric expansion valves, not a selective expansion unit as recited in claim 1. Accordingly, for this yet additional reason, it is respectfully submitted that HAYASHIDA et al. is an inappropriate and inadequate basis for the rejection of any of the claims in the present application.

In the outstanding Official Action, the Examiner rejected claim 19 under the judicially created doctrine of obviousness type double patenting as unpatentable over claim 11 of U.S. Patent No. 6,772,600. The Examiner admitted that although the claims are not identical, they are not patentably distinct from each other. The Examiner further

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provisionally rejected claim 19 under the judicially created doctrine of obviousness type double patenting as being unpatentable over claim 20 of copending Application No. 10/643,912. Again, the Examiner admitted that while the claims are not identical, they are not patentably distinct from each other.

Together with the present Response, Applicants are submitting an executed Terminal Disclaimer thus rendering each of the above-noted obviousness type double patenting rejections moot. However, Applicants submit that even in the absence of such Terminal Disclaimer, the Examiner's rejections would not be appropriate. In this regard, the Examiner has not set forth a proper evidentiary basis supporting his assertion of obviousness, as is required to support any obviousness type rejection.

Moreover, by the filing of the above-noted Terminal Disclaimer, neither Applicants nor the Assignee of the present application intends to make any representation as to whether any double patenting rejection would be appropriate in the absence of the filing of such Terminal Disclaimer. The above-noted Terminal Disclaimer is being filed merely in order to expedite the allowance of the claims in the present application.

In view of the above, Applicants respectfully submit that the Examiner's obviousness type double patenting rejections have been rendered moot and an indication to such effect is respectfully requested in due course.

Applicants respectfully thank the Examiner for indicating the allowability of claim 20 as well as for indicating that claims 13-18 would be allowable if rewritten into independent form including all the limitations of the base claim and any intervening claims. In this regard, in view of the above-noted reasons given for the allowability of

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claims 1 and 2, Applicants have at this time declined to rewrite any of claims 3-18 into independent form. Nevertheless, the Examiner's indication of allowable subject matter is noted with appreciation.

In view of the above, Applicants respectfully request reconsideration and withdrawal of each of the outstanding objections and rejections together with an indication of the allowability of all the claims pending in the present application, in due course. Such action is respectfully requested and is now believed to be appropriate and proper.

SUMMARY AND CONCLUSION

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so. Applicants have amended the claims in order to clarify the language thereof without narrowing the scope of the claims. Applicants have further amended a claim to overcome the Examiner's objection thereto and have traversed the Examiner's rejection of several claims under 35 U.S.C. § 102.

In this regard, Applicants have discussed the disclosure of the reference relied upon and have pointed out the shortcomings thereof with respect to the features of Applicants invention. Applicants have also discussed the explicitly recited features of Applicants claims and have pointed out the deficiencies of the disclosure of the reference with respect thereto.

Applicants have addressed the Examiner's double patenting rejections by submitting a Terminal Disclaimer and have noted that the Terminal Disclaimer is being filed merely in order to expedite the allowance of the claims in the present application.

Accordingly, Applicants have provided a clear evidentiary basis supporting the patentability of all the claims in the present application and respectfully request an indication to such effect in due course.

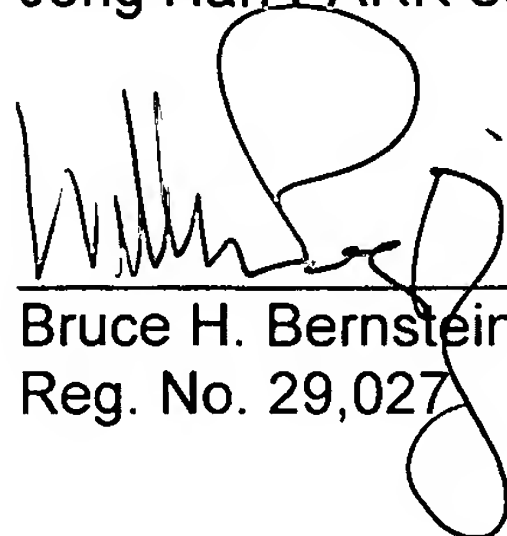
Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

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Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Jong Han PARK et al.

William Pieprz
Reg. No. 33,630

A handwritten signature in black ink, appearing to read 'William Pieprz', is written over a horizontal line. Below the line, the text 'Bruce H. Bernstein' and 'Reg. No. 29,027' is printed.

Bruce H. Bernstein
Reg. No. 29,027

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191